

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

UNITED STATES OF AMERICA,      )  
    )  
    )  
vs.                                    )      **Case No. 4:05-cr-265-CLS-TMP**  
    )  
    )  
**JOSEPH ALAN KELLY,**            )  
    )  
    )  
**Defendant.**                        )

**ORDER DENYING MOTION  
TO ENFORCE PLEA AGREEMENT**

On August 6, 2010, defendant in this cause, Joseph Alan Kelly, filed a *pro se* motion to specifically enforce the terms of his plea agreement.<sup>1</sup> (Doc. 64). This and related motions were referred to the magistrate judge for a preliminary review and recommendation on October 30, 2017, and on November 2, 2017, the magistrate judge filed his Report and Recommendation, recommending that the motion be denied. (Doc. 77). Although the Report and Recommendation explained to defendant his right to file objections to it, no objections have been filed and time for doing so has expired.

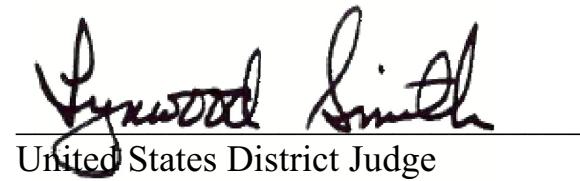
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<sup>1</sup> At various times thereafter, defendant filed other related motions, including a motion for summary judgment to compel enforcement of the plea agreement (Doc. 67, filed April 11, 2016), a motion for judgment on the pleadings (Doc. 68, filed October 20, 2016), and a motion for appointment of counsel (Doc. 69, filed March 20, 2017). All of these motions are DENIED for the same reasons discussed in the Report and Recommendation and adopted in this Order with respect to defendant's motion to specifically enforce a plea agreement.

Having now carefully considered and reviewed *de novo* the Report and Recommendation and all relevant materials in the court record, the court finds that the Report is due to be, and it hereby is, ADOPTED, and the Recommendation is ACCEPTED. Accordingly, defendant's Motion to Compel Specific Performance of Plea Agreement (Doc. 64) is DENIED. All other related motions (Docs. 67, 68, and 69) are likewise DENIED.

The Clerk is DIRECTED to mail a copy of the foregoing to defendant.

DONE and ORDERED this 29th day of November, 2017.



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United States District Judge